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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 BRANDYN GAYLER,
8 Plaintiff,

9 v.

10 HIGH DESERT STATE PRISON et al.,
11 Defendants.
12

Case No. 2:14-cv-769-APG-CWH

Order

13 **I. DISCUSSION**

14 On July 7, 2014, this Court issued a screening order and permitted Plaintiff's
15 single claim for Equal Protection Clause violations to proceed against Defendants
16 Warden of High Desert State Prison and High Desert State Prison ("HDSP"). (Dkt. #6 at
17 5-6). The parties were unable to settle during the 90-day stay and this Court issued an
18 order for the Clerk of the Court to electronically serve the Office of the Attorney General
19 of the State of Nevada. (Dkt. #15 at 2).

20 On October 29, 2014, Plaintiff filed a motion to supplement defendants and
21 argument into the complaint. (Dkt. #16 at 1). Plaintiff's motion seeks to add NDOC
22 Director Greg James Cox, HDSP Warden D.W. Nevens, HDSP Assistant Warden J.
23 Nash, and HDSP Assistant Warden J. Howell to the complaint for denying Plaintiff equal
24 opportunities to earn good/work time credits for early release because Plaintiff was a "P-
25 seg" inmate. (*Id.* at 2-3). Plaintiff also seeks to add argument involving a settlement
26 agreement in *Williams v. Endel*, 3:08-cv-459-RCJ-VPC. (*Id.* at 4).

27 The Court grants Plaintiff's motion, in part, to supplement those four defendants
28 into his original complaint. As such, Plaintiff's motion naming those four defendants is

1 now incorporated into Plaintiff's original complaint (Dkt. #7). Plaintiff's Equal Protection
2 Clause claim shall now proceed against Defendants High Desert State Prison, Cox,
3 Nevens, Nash, and Howell.

4 The Court denies Plaintiff's motion, in part, to add argument to his complaint
5 regarding the settlement agreement in *Williams*. Plaintiff was not a party to that case.
6 As such, the Court will take judicial notice of that case and will review documents filed in
7 that case, if the Court finds that the *Williams* case is relevant to the issues at hand.

8 **II. CONCLUSION**

9 For the foregoing reasons,

10 **IT IS ORDERED** that the motion to supplement defendants and argument into
11 the complaint (Dkt. #16) is granted in part and denied in part. The portion of the motion
12 adding defendants is granted but the portion of the motion adding argument is denied.

13 **IT IS FURTHER ORDERED** that the portion of Plaintiff's motion adding
14 Defendants Cox, Nevens, Nash, and Howell to Plaintiff's complaint is now incorporated
15 into Plaintiff's original complaint (Dkt. #7).

16 **IT IS FURTHER ORDERED** that this Court's screening order (Dkt. #6) is now
17 amended to state that "Count I, alleging Equal Protection Clause violations, shall
18 proceed against Defendants High Desert State Prison, Cox, Nevens, Nash, and
19 Howell." (See Dkt. #6 at 5-6).

20 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically
21 **SERVE** a copy of this order on the Office of the Attorney General of the State of
22 Nevada, attention Kat Howe.

23
24 DATED this 2nd day of November, 2014.



25
26 United States District Judge